

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CAMBRIDGE MEDICAL P.C.,
Plaintiff,

Index No.
11CV04044 (LDW) (ETB)

-against-

ALLSTATE INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, ALLSTATE PROPERTY
AND CASUALTY COMPANY,

Defendants

and

ALLSTATE INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, ALLSTATE PROPERTY
AND CASUALTY COMPANY,

Defendants and Third Party Plaintiffs,

-against-

PINE HOLLOW MEDICAL, P.C., MARK J. LEVITAN,
EILEEN S. DEBBI, M.D., F.SCOTT NOWAKOWSKI, M.D.,
NICHOLAS M. JONES, D.O., SCOTT A. JONES, D.O.,
ALEXANDRA PERKINS, M.D., DOMINC JUDE
RUBINO, D.C., FRANK MANDARINO D.C., JASON SCOTT
BRATTNER, D.C., RONALD MAZZA, D.C., MICHAEL A.
BERNSTEIN, D.C., JONATHAN TEPPER, D.C.,
WALTER MENDOZA, D.C., BROOKLYN CHIROPRACTIC
ASSOCIATES, P.C., BRONX CHIROPRACTIC ASSOCIATES,
P.C., STATEN ISLAND CHIROPRACTIC ASSOCIATES, P.C.,
COMPLETE CHIROPRACTIC ASSOCIATES, P.C.,
QUEENS CHIROPRACTIC ASSOCIATES, P.C.,
WALTER MENDOZA CHIROPRACTOR, P.C.,
MICHAEL A. BERNSTEIN, D.C., P.C., JOHN DOES
1 and 2, ABC CORPS. 1 and 2,

Third Party Defendants.
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**REPLY AFFIDAVIT OF
EDWARD K. BLODNICK**

EDWARD K. BLODNICK, being duly sworn deposes and states:

1. I am an attorney duly admitted to practice before the Courts of the State of New York and the United States District Court for the Southern and Eastern Districts of New York and I

am a member and shareholder of Blodnick, Fazio & Associates, P.C., attorneys for Plaintiff CAMBRIDGE MEDICAL, P.C., ("Cambridge") and Third Party Defendants EILEEN S. DEBBI, M.D. ("Dr. Debbi"), F. SCOTT NOWAKOWSKI, M.D. ("Dr. Nowakowski"), SCOTT A. JONES, D.O. ("Dr. S. Jones"), NICHOLAS M. JONES, D.O. ("Dr. N. Jones"), ALEXANDRA PERKINS, M.D. ("Dr. Perkins"), MARK J. LEVITAN ("Mr. Levitan") and PINE HOLLOW MEDICAL, P.C. (collectively "the Cambridge Parties").

2. I submit this Reply Affidavit in Further Support of the Cambridge Parties' Motion To Dismiss Allstate's counterclaim and third party complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), New York No-Fault Law § 5106(a), the Rooker-Feldman Doctrine, and the applicable statute of limitations.
3. A true and accurate copy of the decision in the case of Deajess Medical Imaging, P.C., et al., v. AIG Insurance Company, et al., Index No. 013569/2006 (Sup. Ct. Nassau Cty. 2006) is annexed hereto as Exhibit "K".

WHEREFORE, it is respectfully requested that Allstate's Counterclaims and Third-Party Complaint be dismissed for failure to plead a cause of action pursuant to Federal Rule 12(b)(6) and 9(b), New York Insurance Law § 5106(a), the Rooker-Feldman Doctrine and the statute of limitations, and for such other and further relief as the court deems just and proper.

Dated: Garden City, New York
July 31, 2012

Respectfully Submitted,


EDWARD K. BLODNICK (EB 1796)

Sworn to before me this
31 day of July, 2012


NOTARY PUBLIC

ELISSA JANSEN
NOTARY PUBLIC, STATE OF NEW YORK
COUNTY OF NASSAU
01JA6046448
COMMISSION EXPIRES 8/14/2014